

Message Text

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ACTION L-03

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C O N F I D E N T I A L GENEVA 04726

E.O. 11652:GDS
TAGS: TSPA, UN
SUBJ: OUTER SPACE LEGAL SUBCOMMITTEE - MOON TREATY

REFS: (A) STATE 077302, (B) GENEVA 04415, (C) GENEVA
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1. TREATY ON THE MOON MINIGROUP MET AM 29 MARCH TO CON-
SIDER REVISED ARTICLES ON NATURAL RESOURCES, REVIEW
CONFERENCE PROCEDURE AND NOTIFICATIONS. US SUGGESTED
REVISION PARA 4 OF RESOURCES ARTICLE IN ACCORDANCE
INSTRUCTIONS REFTEL (A). AUSTRIA WILL REDRAFT ACCORD-
INGLY. WITH RESPECT TO SUGGESTION FOR "GRANDFATHER"
CLAUSE WITH REGARD TO LUNAR MATERIALS ALREADY REMOVED BY
US AND USSR, THERE HAS BEEN NO RPT NO SUGGESTION FROM
ANY SOURCE DURING CURRENT MOON TREATY DISCUSSION THAT
US OR USSR HAS BEHAVED INAPPROPRIATELY. USES TO WHICH US
HAS PUT THESE MATERIALS ARE CLEARLY IN CONFORMITY WITH
PROPOSED PROVISIONS OF THE DRAFT TREATY. THUS INSOFAR AS
ANY PROBLEM MIGHT EXIST, IT APPEARS BETTER HANDLED BY AN
APPROPRIATE STATEMENT FOR THE RECORD BY THE US WHEN THE
OUTER SPACE COMMITTEE FINALLY CONSIDERS THE MOON TREATY.
US COULD NOTE ON THAT OCCASION THAT US HANDLING AND DIS-
POSITION OF MATERIALS REMOVED FROM THE MOON IS CONSISTENT
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WITH THE TREATY. THERE WOULD BE NO BASIS FOR EXPECTING
ANY CONTRADICTION OR RESERVATION TO SUCH AN OBSERVATION.

2. AUSTRIA INTENDS TO PREPARE CLEAN TEXT OF ENTIRE
TREATY FOR MINIGROUP CONSIDERATION 3 APRIL. AUSTRIAN
HOPE IS THAT MINIGROUP WILL AGREE TO SEND THIS FULL TEXT
TO THE SUBCOMMITTEE'S MOON TREATY WORKING GROUP AND THENCE

TO THE SUBCOMMITTEE. OPTIMUM POSSIBLE RESULT WOULD BE FOR THE LEGAL SUBCOMMITTEE TO FORWARD THE TREATY TO THE PARENT OUTER SPACE COMMITTEE FOR FINAL REVIEW AND APPROVAL. HOWEVER, MORE LIKELY COURSE SEEMS TO BE FOR SUBCOMMITTEE TO FORWARD IT TO THE OSC WITH A RECOMMENDATION THAT THE OSC EITHER REVIEW AND APPROVE THE TEXT AT THE JUNE 1978 SESSION OR RETURN IT TO THE LEGAL SUBCOMMITTEE FOR FINAL REVIEW AND APPROVAL IN 1979. IN EITHER CASE VARIOUS DELEGATIONS (E.G., BRAZIL, INDIA AND CERTAIN OTHER LDC'S) WHO ARE UNCERTAIN WHETHER THEIR GOVERNMENTS WILL STICK TO THE IDEA OF A PRE-REGIME MORATORIUM ON LUNAR RESOURCE EXPLOITATION (WHICH THE DRAFT TREATY SPECIFICALLY REJECTS) WILL PROMPT THE SUBCOMMITTEE TO REPORT THAT IT IS FORWARDING THE TEXT WITHOUT COMMITMENT.

3. UPBEAT CHARACTER OF CURRENT WORK ON PROTRACTED MOON TREATY NEGOTIATIONS, APART FROM THE MODEST MERITS OF THE TREATY, SHOULD HAVE LATERAL BENEFIT OF DEFUSING WHAT MIGHT OTHERWISE BE FOCUSING OF OUTER SPACE COMMITTEE ATTENTION ON DBS PRIOR CONSENT ISSUE DURING JUNE SESSION.
VANDEN HEUVEL

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